

ATTACHMENT 2

ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING
CHANNEL 294A - BELLE MEADE, TN

Mount Juliet Broadcasting, Inc.
Mount Juliet, TN

January 31, 1997

Prepared for: Mr. Michael Grant
Mount Juliet Broadcasting, Inc.
50 Music Square West
Suite 901
Nashville, TN 37203

CARL E. SMITH CONSULTING ENGINEERS

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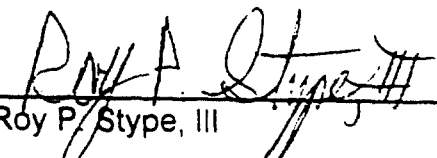
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ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

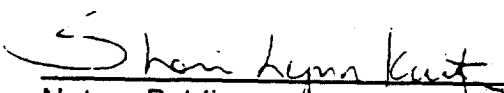
Roy P. Stype, III. being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Mount Juliet Broadcasting, Inc., to prepare the attached "Engineering Statement In Support Of Petition For Rulemaking - Channel 294A - Belle Meade, TN."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **January 31, 1997.**



Notary Public

/SEAL/

SHERI LYNN KURTZ, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires June 14, 2000

ENGINEERING STATEMENT

This engineering exhibit is prepared on behalf of Mount Juliet Broadcasting, Inc., permittee of construction permit BPH-891012MS for new FM station WNPL - Mount Juliet, Tennessee. This construction permit authorizes WNPL to construct facilities to operate on Channel 294A with an effective radiated power of 6 kilowatts at 100 meters above average terrain. The facilities authorized by this construction permit, as well as a complete studio and office complex for WNPL, were constructed in the fall of 1996 and equipment tests were conducted pursuant to the provisions of Section 73.1610 of the FCC Rules. While awaiting authority from the FCC to commence program tests, pursuant to Section 73.1620 of the FCC Rules, the permittee was contacted by local FAA officials, who indicated that there were concerns that the operation of WNPL with the facilities authorized by this construction permit would result in electromagnetic interference ("EMI") to ILS receivers in aircraft utilizing several localizers in the Nashville area. Although no reports of actual interference had been received, WNPL immediately suspended equipment tests and undertook an investigation of this situation.

Subsequent discussions between representatives of WNPL, the staff of the FCC's Mass Media Bureau, and the headquarters staff of the FAA's Spectrum Management Division resulted in an unwillingness by the FCC to grant WNPL the authority required to commence program tests, due to the FAA's concerns over the potential for electromagnetic interference to air navigation facilities. These concerns were based upon an analysis of the predicted EMI to localizers in the Nashville area from WNPL and other area stations which was conducted utilizing the FAA's Airspace Analysis Model ("AAM") computer program.

WNPL then undertook extensive studies, utilizing the AAM computer model, to determine what modifications would be required to the authorized WNPL facilities to satisfy the FAA's concerns and permit the commencement of operation by WNPL. These studies determined that it is not possible for WNPL to operate on Channel 294A from any location which will provide the required city grade coverage to Mount Juliet while also eliminating the FAA's concerns regarding EMI. This is true even when facilities involving antenna heights in excess of 100 meters above average terrain, with a corresponding reduction in effective radiated power, are considered in order to reduce the potential for EMI. Furthermore, even with the localizer frequency changes proposed by the FAA to accommodate WNPL, as discussed below, it is not possible to provide the required city grade coverage to Mount Juliet while also satisfying the FAA's concerns regarding EMI. In short, there is no way to activate the allotment on Channel 294A in Mount Juliet due to problems involving predicted EMI to air navigation facilities.

Frequency searches were also conducted to determine if there were any alternate channels which could be substituted for Channel 294A in Mount Juliet which would eliminate these EMI problems and permit WNPL to commence operation. These frequency searches found only one alternate channel which could possibly be employed in lieu of Channel 294A in Mount Juliet. Unfortunately, this alternate channel required that Channel 294A be substituted for the present channel of another Nashville area Class A station, which, while eliminating any predicted EMI involving WNPL, would then result in this other station being predicted to cause extensive EMI to Nashville area localizers. Thus, such a substitution would not satisfy the FAA's concerns, since it would not eliminate the predicted EMI, but would simply result in a station other than WNPL contributing to this predicted interference.

Based upon the above information, the only possible way to activate this allotment while still satisfying the FAA's concerns regarding EMI to air navigation facilities is to reallocate Channel 294A from Mount Juliet to another community. Even with the reallocation of this channel to another community, it will still be necessary for the FAA to change the frequency of at least one localizer (MQY - Runway 32 at Smyrna from 108.3 MHz to 109.7 MHz). Additionally, in order to accommodate the frequency substitution at Smyrna, it will also be necessary for the FAA to change the frequency of the localizer for Runway 31 at Nashville International (PNO) from 109.7 MHz to 111.95 MHz.

This engineering exhibit supports a petition for rulemaking proposing to reallocate Channel 294A from Mount Juliet, Tennessee, to Belle Meade, Tennessee. This proposed reallocation, in conjunction with the tentative consent of the FAA to change the frequencies of the two Nashville area localizers, at WNPL's expense, as outlined above, will permit the WNPL construction permit to be modified to specify operating facilities which satisfy the FAA's concerns regarding EMI, provide the required protection to all other FM facilities requiring protection consideration, and provide the required city grade coverage to Belle Meade.

The geographic coordinates for the center of Belle Meade are:

NL - 36° 05' 50"
WL - 86° 51' 25"

The studies contained in this exhibit were conducted from a site 13.5 kilometers northeast of Belle Meade:

NL - 36° 11' 08"
WL - 86° 45' 15"

Table 1.0 is an FM allocation study for Channel 294A, which was conducted from the reference coordinates noted above. An examination of this table shows that operation

on Channel 294A from this location would be short spaced to the authorized operation of WNPL on Channel 294A in Mount Juliet. This short spacing will not pose any problems since the allotment to Mount Juliet will be deleted if Channel 294A is allotted to Belle Meade, as proposed herein. Furthermore, under the provisions of Section 1.420(i) of the FCC Rules, this conflict with the authorized operation of WNPL will permit the WNPL construction permit to be modified to specify operation on Channel 294A in Belle Meade, regardless of other expressions of interest which might be received. Pursuant to the rounding provisions of Section 73.208(c)(8) of the FCC Rules, the 88.53 kilometer spacing to the allotment on Channel 293C3 in Oak Grove, Kentucky, for the upgraded operation of WKDZ-FM - Cadiz, Kentucky, is considered to comply with the required spacing of 89 kilometers. Similarly, the 114.52 kilometer spacing to the petition for reconsideration filed by WDXE-FM - Lawrenceburg, Tennessee, of the dismissal of their "one step" application to move from Channel 240A to Channel 294A is considered to comply with the required spacing of 115 kilometers.

Figure 1.1 is a map exhibit showing the predicted 3.16 mV/m (city grade) contour for the reference coordinates specified above for Channel 294A in Belle Meade. This contour was projected assuming maximum Class A facilities of 6 kilowatts effective radiated power at 100 meters above average terrain, assuming uniform terrain. As shown in this figure, operation on Channel 294A from the reference coordinates outlined above would provide city grade service to all of Belle Meade.

It should be noted that Belle Meade (population 2839¹) presently has no local radio service. Furthermore, while the proposed reallocation would eliminate the only au-

¹All population data in this exhibit is extracted from the 1990 U. S. Census.

thorized radio service in Mount Juliet (population 5389), this should not be considered as a proposal to remove Mount Juliet's only local service since, as discussed above in detail, it is not possible to activate this allotment in Mount Juliet due to predicted EMI to air navigation facilities. Finally, both Belle Meade and Mount Juliet lie totally within the Nashville Urbanized Area. Thus, this does not constitute a proposal to reallocate a channel from a rural area to an urbanized area.

Figure 1.2 is a map exhibit showing the predicted 1 mV/m contour for Channel 294A in Belle Meade for operation with maximum Class A facilities from the reference coordinates outlined above. This figure also shows the predicted 1 mV/m contour for the facilities authorized by the WNPL construction permit. Both of these contours were projected assuming uniform terrain. Table 1.2 presents detailed data on the present and proposed populations and areas, as well as the gain and loss areas. These gain and loss areas should be considered theoretical, however, since in reality, the entire area and population of the proposed 1 mV/m contour will gain a service that would not otherwise exist, due to the inability to activate this allotment in Mount Juliet, as discussed above. It should be noted that the entire area encompassed by these contours, including the loss and gain areas, is well served, receiving well in excess of five fulltime aural services.

In summary, Channel 294A can be reallocated from Mount Juliet, Tennessee, to Belle Meade, Tennessee, which will permit concerns expressed by the FAA regarding predicted electromagnetic interference to air navigation facilities to be eliminated, thus permitting this allotment to be activated, which is not possible if this channel remains allotted to Mount Juliet.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 294A (106.7 MHz) - BELLE MEADE, TN

MOUNT JULIET BROADCASTING, INC.

MOUNT JULIET, TN

STUDY COORDINATES: 36/11/08 86/45/15

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
WDXEFM	Lawrenceburg, TN	240	A	114.52	10.0	
WXFL	Florence, AL	241	C2	157.69	15.0	7, 8
WTAKFM	Hartselle, AL	291	C3	191.43	42.0	1
WKDZFM	Cadiz, KY	292	A	124.64	31.0	4
WKDZFM	Oak Grove, KY	293	C3	88.53	89.0	5, 12
96-163	Clifton, TN	293	A	141.89	72.0	9
WSKZ	Chattanooga, TN	293	C	172.64	165.0	
WNPL	Mount Juliet, TN	294	A	7.76	115.0	2, 3, 11
WDXEFM	Lawrenceburg, TN	294	A	114.52	115.0	7, 8
WXPC	Horse Cave, KY	294	A	140.58	115.0	
WZZL	Reidland, KY	294	A	173.42	115.0	
WKXDFM	Monterey, TN	295	C2	135.96	106.0	1
WZEZ	Madisonville, KY	295	A	147.14	72.0	
WWYN	Mckenzie, TN	295	C1	185.43	133.0	
WBLG	Smiths Grove, KY	296	C2	85.42	55.0	1
96-123	Tullahoma, TN	296	A	100.23	31.0	9
WVEE	Spencer, TN	297	A	125.30	31.0	
WQLT	Florence, AL	297	C	189.13	95.0	

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.0 ont'd)

FM ALLOCATION STUDY - CHANNEL 294A (106.7 MHz) - BELLE MEADE, TN

MOUNT JULIET BROADCASTING, INC.
MOUNT JULIET, TN

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

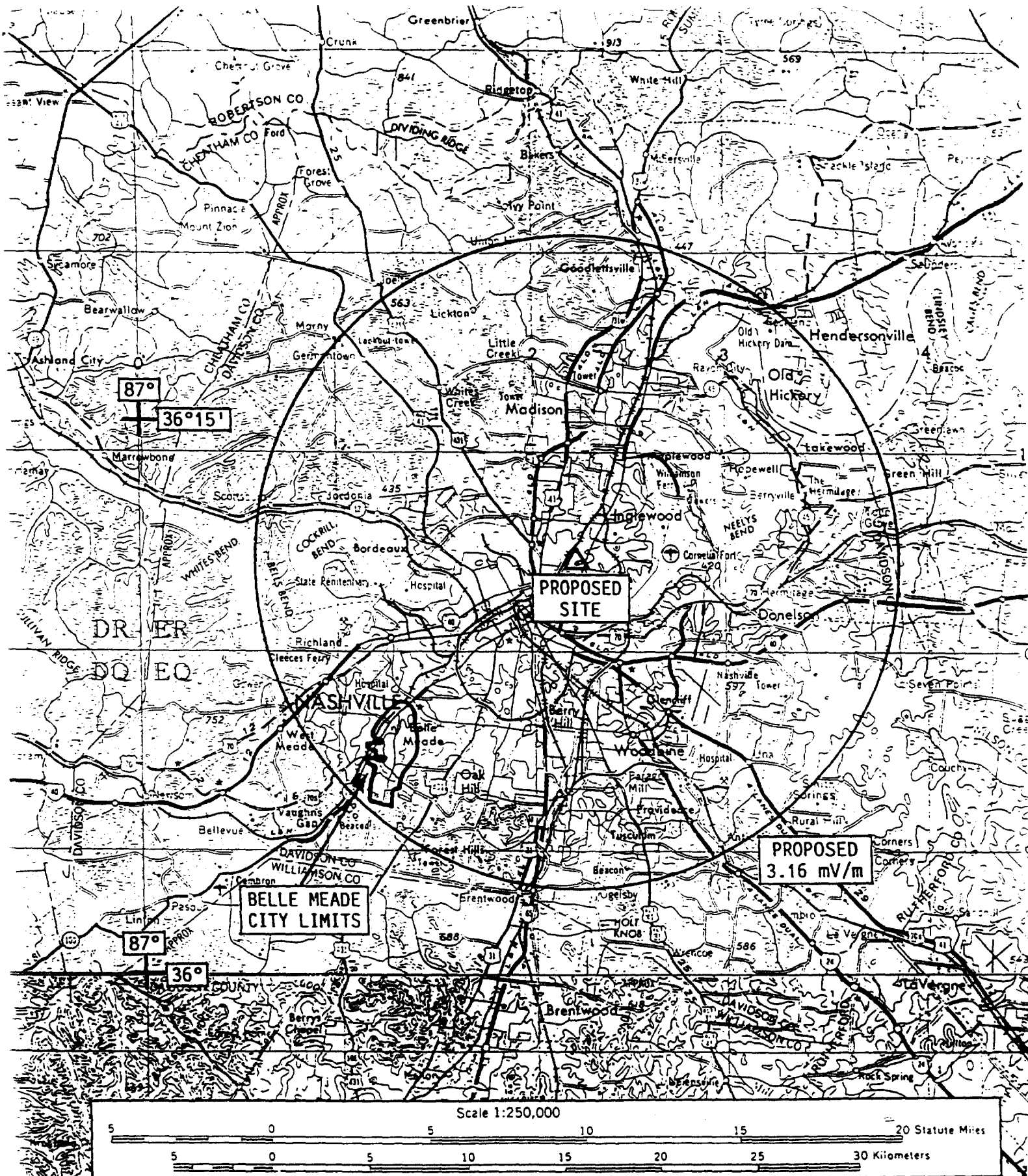


FIG. 1.1

CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVE-MASS RD., BOX 807
BATH, OHIO 44210-0807
216/659-4440

PREDICTED CITY GRADE CONTOUR
CHANNEL 294A - BELLE MEADE, TN
Mount Juliet Broadcasting, Inc
Mount Juliet, TN

TABLE 1.2
 AUTHORIZED AND PROPOSED
AREA AND POPULATION
 Mount Juliet Broadcasting, Inc.
 Mount Juliet, TN

	Area <u>(Square Kilometers)</u>	Population <u>(1990 Census)</u>
Authorized	2,516	607,429
Gain	403	58,298
Loss	403	34,352
Proposed	2,516	631,375
Net Gain	0	23,946

ATTACHMENT 3

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/asd/

PROCESSING ENGINEER: Arthur E. Doak
TELEPHONE: (202) 418-2720
FACSIMILE: (202) 418-1410
MAIL STOP: 180083
INTERNET ADDRESS: adoak@fcc.gov

September 11, 1997

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Washington, DC 20037-3202

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Pepper & Corazzini
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Washington, DC 20006

In re: WNPL(FM), Belle Meade, TN
Mt. Juliet Broadcasting, Inc. ("Mt. Juliet")
BMPH-970221ID

Dear Counsel:

This is in reference to the above-captioned minor change application to change city of license pursuant to the *Report & Order* in MM Docket 97-97, adopted July 16, 1997, released July 25, 1997 ("*Report & Order*"). The application also proposes to change the antenna location, effective radiated power and antenna height. An *Informal Objection* to the application was filed on July 16, 1997 on behalf of The Cromwell Group, Inc. ("Cromwell"). For the reasons stated below, we are denying the informal objection and granting the application.

Background

Mt. Juliet is currently authorized, pursuant to Construction Permit BPH-891012MS, to construct Station WNPL on Channel 294A in Mount Juliet, Tennessee. On February 21, 1997 Mt. Juliet filed a petition for rulemaking requesting the allotment of Channel 294A to Belle Meade, Tennessee in lieu of Mt. Juliet. Simultaneously with the petition for rulemaking, Mt. Juliet filed the above-captioned application which specifies Belle Meade as the community of license.

Objection

In its objection, Cromwell contends that Mt. Juliet's application should be dismissed because it violates 47 C.F.R. § 73.203(a). Specifically, Cromwell states that § 73.203(a) prohibits applicants from filing applications that specify a channel or community that is not listed in the

FM Table of Allotments even if a rulemaking is pending.¹ However, by a timely filed amendment dated February 27, 1997, Mt. Juliet requested waiver of § 73.203(a) to allow the application to be filed before the proposed rulemaking was final. Therefore, although Mt. Juliet's application, when originally filed, violated § 73.203(a), it was not considered defective because it was accompanied by a timely filed request for waiver. See 47 C.F.R. § 73.3566(a).

Pursuant to the above-referenced *Report & Order*, effective September 8, 1997 the FM Table of Allotments, 47 C.F.R. § 73.202(b), was changed and the WNPL construction permit was modified to specify operation on Channel 294A in Belle Meade, Tennessee. This change in the table of allotments rendered Mt. Juliet's request for waiver moot. Accordingly, the informal objection will be dismissed as moot.

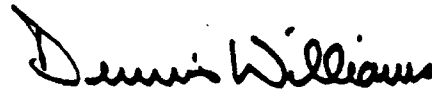
Stay of MM Docket 92-214

On August 12, 1997 Cromwell also filed a petition for reconsideration of the Allocation Branch's action in Docket 97-97. However, effective October 23, 1996, the Commission deleted the portion of § 1.420(f) that provided for the automatic stay of any Commission order modifying an authorization to specify operation on a different FM channel in the event of a petition for reconsideration. See the *Report & Order* in MM Docket 95-110, 11 FCC Red 9501 (1996). Thus, the Channel 2294A, Belle Meade allotment is effective notwithstanding the pending petition for reconsideration.

Conclusion

In light of the above, the July 16, 1997 informal objection filed on behalf of The Cromwell Group, Inc. IS HEREBY DISMISSED and Application BMPH-970221ID IS HEREBY GRANTED with conditions, including the condition that the grant is subject to the final outcome of MM Docket 97-97. The authorization is enclosed. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

enclosure

cc: Mt. Juliet Broadcasting, Inc.
Carl E. Smith Consulting Engineers

¹Cromwell also contends that the Mount Juliet allotment should be deleted as defective. We do not consider this because such a contention must be raised in the context of an allotment proceeding, not in connection with a minor change application.



United States of America

**FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT**

239

Official Mailing Address:

MT. JULIET BROADCASTING, INC.
315 DEADERICK ST #1280
NASHVILLE, TN 37238

Authorizing Official:

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Services Division
Mass Media Bureau

Grant Date: **SEP 11 1997**

Call Sign: WNPL

This permit expires 3:00 a.m.
local time, 6 months after
grant date specified above.

Permit File No.: BMPH-970221ID

This Permit Modifies Permit No.: BPH-891012MS
as extended by Permit No.: BMPH-970214JD

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee:

MT. JULIET BROADCASTING, INC.

Station Location:

TN-BELLE MEADE

Frequency (MHz): 106.7

Channel: 294

Class: A

Hours of Operation: Unlimited

Transmitter location (address or description):

5700 Knob Road, Nashville, Davidson County, Tennessee

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670
of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: (directional or non-directional): Directional

Antenna Coordinates: North Latitude : 36 8 27
West Longitude : 86 51 56

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW).....:	1.10	1.10
Height of radiation center above ground (Meters).....:	203	203
Height of radiation center above mean sea level (Meters).....:	410	410
Height of radiation center above average terrain (Meters).....:	236	236

Antenna structure registration number: none

Overall height of antenna structure above ground
(including obstruction lighting if any): 417 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

PARAGRAPH 01.0, FCC FORM 715 (OCTOBER 1985):

Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 100 feet nor less than 1 and 1/2 feet in width. All towers shall be cleaned and repainted as often as necessary to maintain good visibility.

PARAGRAPH 03.0, FCC FORM 715 (APRIL 1985):

There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to approximately one-half of the luminous period.

PARAGRAPH 10.0, FCC FORM 715 (APRIL 1985):

On levels at approximately four-fifths, three-fifths, two-fifths and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

PARAGRAPH 19.0, FCC FORM 715 (APRIL 1985):

On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths and one-tenth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

PARAGRAPH 21.0, FCC FORM 715 (APRIL 1985):

All lighting shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

Special operating conditions or restrictions:

1. Grant of this construction permit is conditioned upon the final outcome of MM Docket 97-97. Any construction pursuant to this permit is at the sole risk of the permittee.
2. ***** This is a Section 73.215 contour protection grant *****
***** as requested by this applicant *****
3. The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.
4. BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee shall submit the results of a complete proof-of-performance to establish the horizontal plane radiation patterns for both the horizontally and vertically polarized radiation components. This proof-of-performance may be accomplished using the complete full size antenna, or individual bays therefrom, mounted on a supporting structure of identical dimensions and configuration as the proposed structure, including all braces, ladders, conduits, coaxial lines, and other appurtenances; or using a carefully manufactured scale model of the entire antenna, or individual bays therefrom, mounted on an equally scaled model of the proposed supporting structure, including all appurtenances. Engineering exhibits should include a description of the antenna testing facilities and equipment employed, including appropriate photographs or sketches and a description of the testing procedures, including scale factor, measurements frequency, and equipment calibration.
5. BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee shall submit an affidavit from a licensed surveyor to establish that the directional antenna has been oriented at the proper azimuth.
6. BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee/licensee shall submit an affidavit that the installation of the directional antenna system was overseen by a qualified engineer. This affidavit shall include a certification by the engineer that the antenna was installed pursuant to the manufacturer's instructions and list the qualifications of the certifying engineer.

7. The relative field strength of neither the measured horizontally nor vertically polarized radiation component shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by this construction permit.

A relative field strength of 1.0 on the composite radiation pattern herein authorized corresponds to the following effective radiated power:

1.10 kilowatts

Principal minima and their associated field strength limits:

310 to 320 degrees True: 0.45 kilowatt

*** END OF AUTHORIZATION ***

CERTIFICATE OF SERVICE

I, Harold K. McCombs, Jr., do hereby certify that I have caused to be served by hand, this 23rd day of December, 1997, copies of the foregoing "Petition for Reconsideration" on the following persons:

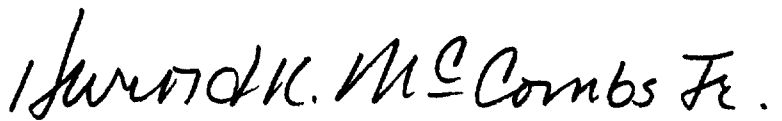
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